

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ROLAND KREUTZER ET AL.
Serial No: 10/612,179
Confirmation No: 5239
Filed: March 6, 2003
For: METHOD AND MEDICAMENT FOR INHIBITING THE
EXPRESSION OF A GIVEN GENE
Examiner: Tracy Ann Vivlemore
Art Unit: 1635

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically filed in accordance with §1.6(a)(4) on the 16th day of September, 2008.

/Allyson R. Hatton, Ph.D./
Allyson R. Hatton, Ph.D., Reg. No. 54,154

Commissioner for Patents

**INFORMATION DISCLOSURE STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants request consideration of this Information Disclosure Statement.

This information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application. An RCE was filed on June 16, 2008. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART I: Information Cited

A. Applicants hereby make of record in the above-identified application the information listed on the concurrently filed form PTO/SB/08a.

1. The order of presentation of the references should not be construed as an indication of the importance of the references.

2. Foreign patent citation number 17 on A2038-706120_IDS_SB08a_1 submitted herewith and non-patent literature citation numbers 25-48 on A2038-706120_IDS_SB08a_3 submitted herewith, are not provided because they were previously cited by the Examiner or

submitted to the Office by the Applicant in prior application Serial No. 09/889,802, filed September 17, 2001, which is relied upon for an earlier filing date under 35 U.S.C. 120.

B. The Applicants hereby make the following additional information of record in the above-identified application.

1. Oppositions have been filed in related application DE 100 80 167 and DE 100 66 235.8, AU 778474, and AU2005201044.
2. Enclosed Opposition papers from the related Australian Patent No. 778474 including the Statutory Declaration by Martin Edward O'Brien of Spruson and Ferguson and the Statement of Grounds and Particulars of Opposition filed by SIRNA Therapeutics, Inc.
3. The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
10/382,395	March 6, 2003	Roland Kreutzer, <i>et al.</i>
10/382,768	March 6, 2003	Roland Kreutzer, <i>et al.</i>
10/383,099	March 6, 2003	Roland Kreutzer, <i>et al.</i>
11/982,305	October 31, 2007	Roland Kreutzer, <i>et al.</i>
11/982,325	October 31, 2007	Roland Kreutzer, <i>et al.</i>
11/982,345	October 31, 2007	Roland Kreutzer, <i>et al.</i>
11/982,425	October 31, 2007	Roland Kreutzer, <i>et al.</i>
11/982,434	October 31, 2007	Roland Kreutzer, <i>et al.</i>
11/982,441	October 31, 2007	Roland Kreutzer, <i>et al.</i>

PART II: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

English language translations of the documents are not readily available but can be obtained should the Examiner request them.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement, other than U.S. Patents and U.S. Patent Application Publications listed on a Form PTO/SB/08a, are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. Any concurrently filed form PTO/SB/08a be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

Kreutzer et al., Applicants

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